

Appl. No. 10/648,101
Amdt. Dated 5/16/2005
Response to Office action dated 01/24/2005

REMARKS

Claims 24-52 are pending. No new matter has been added.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Any reference herein to "the invention" is intended to refer to the specific claim or claims being addressed herein. The claims of this Application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this Application, except for arguments specifically directed to the claim.

Interview Summary

A telephone interview was conducted on May 12, 2005. The Practitioner discussed with the Examiner that the Practitioner included six Terminal Disclaimers with the October 5, 2004 amendment. The Examiner noted that they were not scanned in to the IFW. The Practitioner agreed to resubmit all 6 with fees for each individually.

The Practitioner explained that this Application is a continuation of U.S. Application No. 10/223,433. Application '433 listed reasons for allowance. The reason for allowance identified a feature not found in the prior art. That feature is recited in each independent claim of this application. Thus, the Practitioner explained that all the claims of this application are patentable for the same reason as the '433 Application. The Examiner stated that this argument should be listed in this response.

Double Patenting

The Examiner rejected claims 24-28, 35-43 and 49-52 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-27 of U.S. Patent No. 6,627,000. A terminal disclaimer is enclosed, rendering the double patenting rejection moot.

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The Examiner rejected claims 24-43 and 49-52 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6,500,267. A terminal disclaimer is enclosed, rendering the double patenting rejection moot.

The Examiner rejected claims 24-26, 28-36, 38-40, 42-43 and 49-52 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 and 6-8 of U.S. Patent No. 5,817,276. A terminal disclaimer is enclosed, rendering the double patenting rejection moot.

The Examiner rejected claims 24-43 and 49-52 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,280,686. A terminal disclaimer is enclosed, rendering the double patenting rejection moot.

The Examiner rejected claims 24-26, 28-36, 38-40, 42-43 and 49-52 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,245,293. A terminal disclaimer is enclosed, rendering the double patenting rejection moot.

The Examiner rejected claims 24-26, 28-36, 38-40, 42-43 and 49-52 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 4-7, 9-15, and 17-18 of U.S. Patent No. 6,267,924. A terminal disclaimer is enclosed, rendering the double patenting rejection moot.

Claim Rejections - 35 USC § 102

The Examiner rejected claims 24-26, 29-33, 35-36, 39-40, 43 and 49-52 under 35 USC § 102(b) as anticipated by Hollander (USP 5,334,347). This rejection is respectfully traversed.

Hollander is directed to an electric discharge device capable of emitting a large quantity of ultraviolet rays, while also providing a long useful operating life over a wide temperature range

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(Hollander, 3: 55-57). Hollander's electric discharge device includes a spacer and a base that define a cooling region inside the electric discharge device (Hollander 5:54-56). Hollander's spacer causes a convection current between the cooling region and a radiation region (Hollander 5:57-58, and 6:7-9), resulting in extended life of the germicidal lamp.

To anticipate a claim, the reference must teach each and every element of the claim. MPEP § 2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. [. . .] The identical invention must be shown in as complete detail as is contained in the ... claim.

Claims 24, 29, 35 and 39 are independent.

This application is a continuation of U.S. Application No. 10/223,433, now U.S. Patent No. 6,627,000. In the Notice of Allowance for the '433 Application, the Examiner included the following reason for allowance: "None of the prior art discloses or suggests [. . .] method for cleaning and maintaining a heat transfer system wherein germicidal lamp at least intermittently irradiate the internal surface until the accumulated organic matter is substantially eliminated [. . .]."

Independent claims 24, 29, 35 and 39 all recite a feature that is substantially similar to the reason for allowance in the '433 Application.

Claim 24 recites: "continuing to irradiate the surface with the UVC radiation from the germicidal lamp at least intermittently until the surface is organically clean."

Claim 29 recites: "continuing to irradiate the internal surface of the heat transfer system with the UVC from the germicidal lamp at least intermittently until the internal surface of the heat transfer system is organically clean."

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Claim 35 recites: "continuing to irradiate the surface of the drain pan with the UVC from the germicidal lamp at least intermittently until the surface of the drain pan is organically clean."

Claim 39 recites: "continuing to irradiate the surface of the apparatus with the UVC from the germicidal lamp at least intermittently until the surface is substantially clean of the accumulated organic matter."

Because independent claims 24, 29, 35 and 39 all recite a feature that none of the prior art discloses or suggests, claims 24, 29, 35 and 39 are patentable over Hollander.

By virtue of their respective dependence on claims 24, 29, 35 and 39, claims 25-26 and 49, 30-33 and 50, 36 and 51, and 40, 43 and 52 are not anticipated by Hollander.

In current form, claims 24-26, 29-33, 35-36, 39-40, 43 and 49-52 are in form for allowance.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 27-28, 34, 37, 38 and 41-42 under 35 USC § 103 as obvious from Hollander (USP 5,334,347). This rejection is respectfully traversed.

"To establish a *prima facie* case of obviousness, [. . .] the prior art reference (or references when combined) must teach or suggest all the claim limitations." *MPEP 706.02(j)*.

As set forth above in the argument regarding the § 102 rejection of for claims 24, 29, 35, and 39, Hollander does not teach each and every element of claims 24, 29, 35, and 39. Since claims 27-28, 34, 37, 38, and 41-42 are respectively dependent from claims 24, 29, 35, and 39, Hollander does not teach each and every limitation of claims 27-28, 34, 37, 38, and 41-42. Therefore, claims 27-28, 34, 37, 38, and 41-42 are not obvious in view of Hollander. Thus, the rejection should be withdrawn and claims 27-28, 34, 37, 38, and 41-42 should be allowed to issue.

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Conclusion

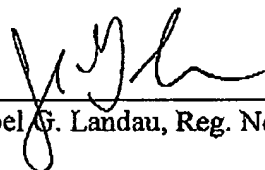
It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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Joel G. Landau, Reg. No. 54,732

SoCal IP Law Group
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362
Telephone: 805/230-1350
Facsimile: 805/230-1355
email: info@socalip.com